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Remarks

Reconsideration of the above-captioned application is respectfully requested. The Section 101 rejection has been overcome by the amendments herein, leaving only the rejections of all pending claims (1-5) under 35 U.S.C. §102 as being anticipated by Kermani, USPN 6,895,514.

As now amended, Claim 1 recites comparing the sequence with a sequence from the reference unique identifier to render a sequence comparison as disclosed on, e.g., page 8 of the specification, fourth full paragraph. Claim 1 now also more particularly defines the relative inter-keystroke interval of both the input received from the user and the relative interval of the reference identifier to which the received identifier is compared. Page 9, first full paragraph of the present specification provides support for this latter amendment. Claim 1 has also been amended to provide improved antecedent basis for claim terms, and to broaden the claim in some respects. New Claims 6-10 have been introduced to more completely focus on various inventive aspects set forth in the specification.

To support an anticipation rejection, every claim element must be taught or inherent in a single prior art reference, Manual of Patent Examining Procedure (MPEP) §2131. Furthermore, to anticipate, a reference must be enabling, Akzo N.V. v. U.S. ITC, 808 F.2d 1471 (Fed. Cir. 1986); see also MPEP §2131.01.

At col. 2, lines 49-60 Kermani perhaps best explains that it uses two weighted password parameters, namely, character sequence, and the absolute time between characters, to determine whether to pass or fail the input string. In other words, even if the password sequence is not exactly correct, access will still be granted by Kermani if the timing between characters is sufficiently accurate. These are the only two tests Kermani uses, in contrast to, e.g., the three tests of Claim 1.

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In further contrast to Kermani, Claim 1 and new independent Claim 6 both recite a concept not explored or contemplated by Kermani, namely, a relative comparison in which a ratio between intervals in a received password is compared against a corresponding ratio in the reference password. The portions of Kermani cited in various places of the Office Action as teachings of relative intervals, namely, col. 2, lines 49-53, col. 3, lines 32-38, col. 4, lines 30-38, col. 5, lines 23-28, and col. 7, lines 24-31 nowhere mention the concept of ratios much less relative intervals as now claimed.

With greater specificity, col. 2, lines 49-53 of Kermani simply teaches setting a similarity threshold between the entered and stored passwords. Col. 3, lines 32-38 teach merely that the character sequence of a received password in the past has been compared to an expected sequence. Kermani, col. 4, lines 30-38 are of no further avail since all this portion discusses is how the reference absolute time between strokes is determined from an average of a training set of input passwords. Col. 5, lines 23-28 discuss the keystroke sequence test of Kermani, not the absolute timing test, while col. 7, lines 24-31 discusses the relative weighting between the sequence test and absolute timing test of Kermani.

Accordingly, because Kermani fails to teach or suggest the relative interval limitation of the present claims, much less enable it under Akzo, Claims 1-10 are patentable over Kermani.
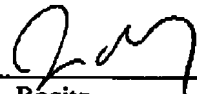
The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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Respectfully submitted,

John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

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